

Law Offices of Patrick J. Maloney
Attorneys for Defendant STOP & STOR
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New York, New York 10004
(646) 428-2650

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EASYTEX CORPORATION LIMITED,
Plaintiff,

07 Civ. 3907 (BSJ)(JCF)

-against-

ANSWER OF DEFENDANT
STOP & STOR

PETER & FRANK OF NY, CORP. et al,

Defendants.

_____x

Defendant STOP & STOR, by and through its attorneys, the Law Offices of Patrick J. Maloney, as and for their answer to the complaint of the plaintiff alleges as follows upon information and belief:

1. Paragraph 1 is a statement of law to which no response is required. To the extent that a response is required, defendant denies that this claim falls within the admiralty and maritime jurisdiction of the United States District Court and leaves all questions of law therein to the court for determination..
2. Paragraph 2 is a statement of law to which no response is required. To the extent a response is necessary, defendant denies the allegations of paragraph 2 and leave all questions of law contained therein to the court for determination.

3. Paragraph 3 is a statement of law to which no response is required. To the extent a response is necessary, defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 3 of the complaint.
4. Paragraph 4 is a statement of law to which no response is required. To the extent a response is necessary, defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 4 of the complaint.
5. Paragraph 5 is a statement of law to which no response is required. To the extent a response is necessary, defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 5 of the complaint.
6. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 6 of the complaint.
7. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 7 of the complaint.
8. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 8 of the complaint.
9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 9 of the complaint.
10. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 10 of the complaint.

11. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 11 of the complaint.
12. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 12 of the complaint.
13. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 13 of the complaint.
14. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 14 of the complaint.
15. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 15 of the complaint.
16. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 16 of the complaint.
17. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 17 of the complaint.
18. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 18 of the complaint.
19. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 19 of the complaint.
20. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 20 of the complaint.
21. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 21 of the complaint.

22. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 22 of the complaint.
23. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 23 of the complaint.
24. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 24 of the complaint.
25. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 25 of the complaint.
26. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 26 of the complaint.
27. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 27 of the complaint.
28. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 28 of the complaint.
29. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 29 of the complaint.
30. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 30 of the complaint.
31. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 31 of the complaint.
32. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 32 of the complaint.

33. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 33 of the complaint.
34. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 34 of the complaint.
35. Admits that STOP & STOR is a New York Corporation with offices at the locations alleged in paragraph 35 of the complaint and except as so specifically admitted, denies each and every allegation contained in paragraph 35 of the complaint.
36. Denies each and every allegation contained in paragraph 36 of the complaint,
37. Admits the allegations contained in paragraph 37 of the complaint.
38. Repeats, reiterates and realleges each and every admission, denial and denial of knowledge or information heretofore interposed in response to the allegations contained in paragraphs 1 through 37 with the same force and effect as if set forth at length herein.
39. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 39 of the complaint.
40. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 40 of the complaint.
41. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 41 of the complaint.
42. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 42 of the complaint.

43. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 43 of the complaint.
44. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 44 of the complaint.
45. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 45 of the complaint.
46. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 46 of the complaint.
47. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 47 of the complaint.
48. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 48 of the complaint.
49. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 49 of the complaint.
50. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 50 of the complaint.
51. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 51 of the complaint.
52. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 52 of the complaint.
53. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 53 of the complaint.

54. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 54 of the complaint.
55. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 55 of the complaint.
56. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 56 of the complaint.
57. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 57 of the complaint.
58. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 58 of the complaint.
59. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 59 of the complaint.
60. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 60 of the complaint.
61. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 61 of the complaint.
62. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 62 of the complaint.
63. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 63 of the complaint.
64. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 64 of the complaint.

65. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 65 of the complaint.
66. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 66 of the complaint.
67. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 67 of the complaint.
68. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 68 of the complaint.
69. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 69 of the complaint.
70. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 70 of the complaint.
71. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 71 of the complaint.
72. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 72 of the complaint.
73. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 73 of the complaint.
74. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 74 of the complaint.
75. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 75 of the complaint.

76. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 76 of the complaint.
77. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 77 of the complaint.
78. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 78 of the complaint.
79. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 79 of the complaint.
80. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 80 of the complaint.
81. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 81 of the complaint.
82. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 82 of the complaint.
83. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 83 of the complaint.
84. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 84 of the complaint.
85. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 85 of the complaint.
86. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 86 of the complaint.

87. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 87 of the complaint.
88. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 88 of the complaint.
89. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 89 of the complaint.
90. Denies each and every allegation contained in paragraph 90 of the complaint.
91. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 6 of the complaint.
92. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 92 of the complaint.
93. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 93 of the complaint.
94. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1 through 93 of the complaint with the same force and effect as if set forth at length herein.
95. Denies each and every allegation contained in paragraph 95 of the complaint.
96. Denies each and every allegation contained in paragraph 96 of the complaint.
97. Denies each and every allegation contained in paragraph 97 of the complaint.
98. Denies and every allegation contained in paragraph 98 of the complaint.
99. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1

through 98 of the complaint with the same force and effect as if set forth at length herein.

100. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 100 of the complaint.
101. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 101 of the complaint.
102. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 102 of the complaint.
103. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 103 of the complaint.
104. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 104 of the complaint.
105. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 105 of the complaint.
106. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 106 of the complaint.
107. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 107 of the complaint.
108. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 108 of the complaint.
109. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 109 of the complaint.

110. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 110 of the complaint.
111. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 111 of the complaint.
112. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1 through 111 of the complaint with the same force and effect as if set forth at length herein.
113. Denies each and every allegation contained in paragraph 113 of the complaint.
114. Denies each and every allegation contained in paragraph 114 of the complaint.
115. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1 through 114 of the complaint with the same force and effect as if set forth at length herein.
116. Denies each and every allegation contained in paragraph 116 of the complaint.
117. Denies each and every allegation contained in paragraph 117 of the complaint.
118. Denies each and every allegation contained in paragraph 118 of the complaint.
119. Denies each and every allegation contained in paragraph 119 of the complaint.
120. Denies each and every allegation contained in paragraph 120 of the complaint.
121. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1 through 120 of the complaint with the same force and effect as if set forth at length herein.

122. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 122 of the complaint.
123. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 123 of the complaint.
124. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 124 of the complaint.
125. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 125 of the complaint.
126. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 126 of the complaint.
127. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 127 of the complaint.
128. Repeats, reiterates and realleges each and every admission, denial, and denial of knowledge or information heretofore interposed in response to paragraphs 1 through 127 of the complaint with the same force and effect as if set forth at length herein.
129. Denies each and every allegation contained in paragraph 129 of the complaint.
130. Denies each and every allegation contained in paragraph 130 of the complaint.
131. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 131 of the complaint.
132. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 132 of the complaint.

133. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 133 of the complaint.

134. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph 134 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

135. This Court lacks subject matter jurisdiction.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

136. This Court lack jurisdiction over the person of defendant STOP & STOR.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

137. The claims and/or causes of action alleged in the complaint are barred by the applicable statute of limitations or the equitable doctrine of laches.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

138. The claims and/or causes of action alleged in the complaint fail to state any claim against defendant STOP & STOR upon which relief can and/or should be granted.

AS AND FOR A FIFTH CAUSE OF ACTION

139. Plaintiff lack privity of contract with the defendant STOP & STOR.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

140. The claims and/or causes of action alleged in the complaint are barred by the terms and conditions of any applicable contract entered into by STOP & STOR.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

141. Pursuant to the standard terms of the STOP & STOR contract, the answering defendant's liability, if any, is limited.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

142. If the plaintiff suffered damage, which is specifically denied, then such damages are the fault of other parties over whom defendant STOP & STOR exercised neither control nor the right to control.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

143. If any applicable bill of lading issued for the cargo in question contains a Himalaya Clause, and if it is alleged that defendant STOP & STOR is an agent or subcontractor of the carrier, STOP & STOR claims the benefit of all terms, conditions, exemptions, or limitations of liability contained in the applicable bills of lading.

AS AND FOR A FIRST CROSS CLAIM AGAINST ALL CO-DEFENDANTS

144. If defendant STOP & STOR is found liable to the plaintiff, STOP & STOR is entitled to full contractual indemnity from the co-defendant jointly and severally.

AS AND FOR A SECOND CROSS CLAIM AGAINST ALL CO-DEFENDANTS

145. If defendant STOP & STOR is found liable to the plaintiff, STOP & STOR is entitled to common law indemnity from the co-defendants, jointly and severally.

AS AND FOR A THIRD CROSS CLAIM AGAINST ALL CO-DEFENDANTS

146. If defendant STOP & STOR is found liable to the plaintiff, STOP & STOR is entitled to contribution from the co-defendants jointly and severally.

WHEREFORE, defendant STOP & STOR respectfully requests that this Honorable Court grant judgment to it and against the plaintiff dismissing the complaint and/or grant judgment to it on the crossclaims and award defendant such

other, further, and different relief as the Court may deem just and proper in the circumstances.

Dated: New York, New York
September 28, 2007

Yours, etc.,

Law Offices of Patrick J. Maloney
Attorneys for defendant Stop & Stor

By: /s/
Patrick J. Maloney (PM2115)
Suite 2202
90 Broad Street
New York, New York 10004
(646) 428-2650

CERTIFICATE OF SERVICE

I hereby certify pursuant to the penalties of perjury of the United States that on September 28, 2007 I served the within Answer and Cross Claims upon:

The Park Law Group, LLC
23 S. Warren Street Second Floor
Trenton, New Jersey 08608

Law Office of Daniel K. Lee
410 Broad Avenue, Suite 200
Palisades Park, New Jersey 07650

Carl E. Person, Esq.
325 West 45th Street Suite 201
New York, New York 10036

By depositing a true copy thereof in a properly addressed and postage pre-paid wrapper in an official depository under the exclusive control of the United States Postal Service and by electronically filing said papers with the clerk of the court.

Dated: September 28, 2007

/s/ _____
Patrick J. Maloney